

CSSCI 来源期刊 (正版)

ISSN 1673-9280

CN 11-5594/D

双月刊

清华法学

TSINGHUA LAW JOURNAL



清华大学 主办

2012

4

第6卷 (总第32期)

万方数据



〔论 文〕

- 诚信原则理论之反思 徐国栋 · 5 ·
- 基本权利的体系思维 张 翔 · 12 ·
- 论良心自由作为现代宪政的基石
——一种康德主义的进路 陈斯彬 · 37 ·
- 医疗专业性如何可能
——医师责任与医院责任的比较分析 杨 彪 · 52 ·

〔论 坛〕

- 实质法治思维路径的风险及其矫正 陈金钊 · 66 · 65-88
- 反思金融主义:一个历史的视角
[美]劳伦斯·E.米切尔 著 施天涛 袁 田 译 · 90 · 89-100

〔司法研究〕

- 裁判理论的普遍谬误:为法教义学辩护
[德]Ralf Poscher 著 隋 愿 译 · 102 ·
- 刑事辩护准入制度与有效辩护及普遍辩护 冀祥德 · 116 ·
- 事实认定的中立性 李昌盛 · 132 ·
- 论我国申请法官回避的现状的改革 张友好 · 151 ·

〔论 评〕

- 网络时代电子要约和承诺的特殊法律问题研究 周洪政 · 162 ·



CONTENTS

Articles

- Reflection on Theories of the Good Faith Principle *Xu Guodong* · 5 ·
- System Thoughts of Fundamental Rights *Zhang Xiang* · 12 ·
- Freedom of Conscience as the Cornerstone of Modern Constitutionality
– A Kantian Approach *Chen Sibin* · 37 ·
- How Is Medical Professionalization Possible?
– A Comparative Analysis of Liabilities of Certified Doctors and Hospitals *Yang Biao* · 52 ·

Forum

- Risk Surrounding the Thinking Way of Substantive Rule of Law and Its Correction *Chen Jinzhao* · 66 ·
- Financialism—A (Very) Brief History *Lawrence E. Mitchell (translation by Shi Tiantao & Yuan Tian)* · 90 ·

Judicial Studies

- The Common Error in Theories of Adjudication:
an Argument for a Doctrinal Approach *Ralf Poscher (translation by Sui Yuan)* · 102 ·
- The Institution of Access to Criminal Defense and Effective and Universal Defense *Ji Xiangde* · 116 ·
- Neutrality of Facts Ascertainment *Li Changsheng* · 132 ·
- The Current Situation and Reform of Applying for Withdrawal of Judges in China *Zhang Youhao* · 151 ·

Comment

- Special Legal Problems of Electronic Offer and Acceptance in the Network Age *Zhou Hongzheng* · 162 ·
-

Translator

Chen Weizuo